



**EDENTON-CHOWAN
PLANNING AND INSPECTIONS DEPARTMENT**

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Chowan County Planning Board

February 20, 2007

Chowan County Courthouse

Broad Street

7:00pm

MINUTES

Tape was distorted; sound quality was poor, minutes derived from written notes.

Chairman Spivey called the meeting to order. Mr. Wes Haskett, acting Planner, then noted that Lia McDaniel, Jack Held, Roger Spivey, Jim Leggett, Fred Smith and Kathy Williams were present.

Mr. Peter Rascoe noted that Ms. Bryant was absent on maternity leave, he noted that Wes Haskett will fill in as acting Planner.

Chairman Spivey noted the item on the agenda, **Case No. CC-RZ-07-01**: A rezoning application from Dossey Pruden requesting an amendment to the zoning map, rezoning a forty-two (42) acre tract located at 405 Soundside Road from A-1 Agricultural District to B-1 General Business District (Tract 1 of 7813-00-48-1273).

Mr. Rascoe said the Board is required by the ordinance to vote whether or not the application is in compliance with the Land Use Plan.

Mr. Haskett then read the staff report into the record:

Applicant: Dossey Pruden
306 Colony Drive
Edenton, NC 27932
(252) 482-8130

Owner: Dossey & Mark Pruden
Same as Above

Property Owners: (SEE ATTACHED LIST)

Requested Action: Rezoning from A-1, Agricultural District to B-1, General Business District

Tax PIN #: 7813-00-48-1273
Location: 405 Soundside Road
Size: 46.8 acres
Existing Zoning: A-1, Agricultural District
Existing Land Use: “Rural with Services and Limited Transition;” Vacant/Farmland

Surrounding Land Use & Zoning:

North- Rural with Services; A-1, Agricultural, Farmland/Woodland/Residential
South- Limited Transition; IW, Industrial Warehouse (Town), Industrial Park & Airport
East- Limited Transition; I-1, Industrial, Industrial Park
West- Rural with Services; A-1, Agricultural and R-15 Residential, Farmland/Woodland/Residential (Cape Colony Subdivision to Southwest)

Land Use Plan:

Major Goals & Objectives: *LAND USE*

- Reserve suitable areas for commercial, office, research and economic development uses to provide tax revenues to balance the cost of providing services for anticipated residential development.
- Identify and promote new land development opportunities, which are compatible with and sensitive to the preservation of stable and desirable neighborhoods.
- Ensure that new development can be adequately supported by existing or planned public services and infrastructure.

Land Classification: *LIMITED TRANSITION & RURAL WITH SERVICES*

- Areas meeting the intent of the Limited Transition Classification will experience increased development pressure during the current 5-year planning period that will be in a state of development necessitating some municipal infrastructure, facilities and/or services.
- Currently, some areas exist under the Limited Transition classification which contains mixed uses including commercial, light industrial and small business; the County feels this is appropriate...provided that the development meets all other density and zoning requirements.
- The Rural with Services category is designed to compliment the Rural Areas category by recognizing that limited residential development may occur without threatening the agricultural environment with potential suburban expansion.

Zoning History: None on Record.

Applicable Regulations: Chowan County Development Codes: Zoning Ordinance; Article IV Zoning District and Zoning Map. Article XIV. Amendments.

SPECIAL INFORMATION

Public Utilities: County water is available and sewer services may be extended to the site.

Public Services: The property is located within Chowan County's general jurisdiction; County protection services are available.

Transportation: The subject property has frontage on Soundside Road.

Physical Characteristics: Vacant/Farmland

ANALYSIS

The request is for a "general use" rezoning to B-1, General Business District.

The B-1, General Business District is established as a district designed to accommodate retail or service establishments customarily patronized by transient traffic as well as non-transient traffic. This district allows a range of retail, service, office, limited wholesale and moderate density residential uses that have access to major roads and the necessary utilities to support such Development.

This application is a general use request, **not** a conditional use permit or conditional district rezoning request, therefore, recommendation to the Board of Commissioners should be given based on all the available uses for the property in the proposed zoning and if the rezoning advances the general public health, safety and welfare. The NC General Statutes and Chowan County Development Codes (CCDC) do not allow specific development conditions to be attached to a "general use" rezoning application.

RECOMMENDATION

The property in question is zoned A-1, Agricultural. The property has close proximity to existing commercial and industrial property contained within the Edenton-Chowan Industrial Park. The B-1, General Business District would provide medium intensity commercial service (**please note the uses allowed within this zoning district in your Table of Uses in Article V, Table 5-1 of your CCDC**) in companion with the commercial, industrial, and agricultural uses surrounding this property; therefore, staff recommends approval of the rezoning application.

Mr. Rascoe then showed the current map of the Land Use Plan showing split land uses. He then introduced the applicant Dossey Pruden.

Mr. Pruden said he would like to rezone the tract. He said maybe in the future the area will be used for the requested purpose. He said upon reviewing the ordinance, he felt that the zoning category that would be suitable for the tract would be B-1, he said he currently has not specific plans for the tract. He said he just wants to get it rezoned.

Chairman Spivey then called on any questions from the Board.

Ms. McDaniel stated her concern about traffic problems. She said that Colony Drive is busy all day and night, especially from 3:30-5:00 in the afternoon. She said you have to wait before you can turn. She asked if he was going to do anything about that.

Mr. Rascoe said that question can't not be addressed by the Board at the Rezoning Phase.

Mr. Pruden said a traffic study would benefit that area. He said he envisions 4 lanes out there but he was not sure what would be used in industrial.

Mr. Rascoe said no retail was allowed in industrial.

Mr. Pruden said if you want retail, you have to be in B-1.

Ms. McDaniel asked if there had been a traffic study.

Mr. Rascoe said he was not aware of a study done in several years.

Mr. Leggett said the airport has plans to extend the airport and four lanes will be looked at then.

Ms. McDaniel asked for clarification on the location.

Mr. Pruden said it was in front of the church.

Mr. Rascoe noted that 24 dwelling units could be allowed on the property.

Ms. McDaniel asked how many businesses could be built.

Mr. Rascoe said 10 per acre, plus stormwater and sewage capacity. He said under agricultural zoning, 24 homes would be allowed.

Mr. Held said he was curious about the sewage system serving the airport and industrial area.

Mr. Rascoe said that would be between the owner and the Town of Edenton to use the sewage.

There was more discussion on sewer taps.

Chairman Spivey then opened the floor to public comment.

John Dowd commented on lots available at the Industrial Park.

Mr. Rascoe said there are 2 lots left they may be able to get 5 lots

Mr. Dowd said 46 acres would be important for that area. He said he supports a rezoning. He said the rezoning needs to take place because development of the site/area can't occur without it.

Edward Britt asked about signage and architectural guidelines.

Mr. Rascoe said that it is in the Highway Corridor Overlay District and there are no architectural guidelines. He explained the review process when the site would be developed and discussed review of signage etc.

Mr. Hardman asked who would pay for the widening of Soundside Rd.

Mr. Rascoe said the state would do the widening and taxpayers would pay for it.

Mr. Hardman asked about specific business in the development.

Mr. Pruden said he had not made any specific decision.

Mr. Hardman expressed concerns about traffic. He asked about a date on the last wetlands survey.

Mr. Rascoe said the last 12 months.

Paul Petosa said he was concerned about traffic, he said he lives at Edenton Bay. He said if more traffic would be generated then the traffic issue needed to be addressed.

Frank Denota asked if Wal-Mart would be allowed on the site.

Mr. Rascoe said it could be allowed.

Mr. Pastor said they live beside the area and they were concerned about the sand. He said that in B-1 anything goes. He said many things take place at the church and he wanted the Board to consider that.

J. Makenzi said the guidelines allow a bar etc...

Mr. Rascoe said if that was what requested, a site plan would be submitted for Planning Board review.

Mr. Wood asked about review/recommendation process between the Board and Commissioners.

Ms. Groves stated her concern about traffic on Soundside Rd.

Mr. Ward said he felt Mr. Pruden would do the right thing with the property. He said he just wanted to echo concerns of other adjoining property owners.

Ms. Hardman expressed concern about moving business to the area, asking what would happen to the downtown. Property owners paying sewage fees. And asked that Mr. Pruden consider the neighboring properties and community, saying they wish that young people were attracted to the area.

Mr. Pruden asked where young people are going to go in Chowan County. He said item number 4 in the application requires he address the health and welfare of the neighborhood. He said he feels the area is a good place for a business district.

There being no further public comment the floor was closed.

Chairman Spivey asked for a motion that the request is in accordance with the Land Use Plan. Fred Smith motioned in the affirmative, Jim Leggett seconded the motion. (6-0)

Chairman Spivey called for a motion to recommend approval of the rezoning to the Chowan County Commissioners. Fred Smith motioned in the affirmative, Jim Leggett seconded the motion. (5-1)

Chairman Spivey noted the Commissioners would hear the rezoning on March 5th at 9:00am.

Chairman Spivey then noted the next applications,

- (1) **Case No. CC-CURZ -07-01:** A conditional use rezoning application from Cypress Landing Development Company requesting rezoning of property located at 251 & 233 Cowpen Neck Road, from A-1 Agricultural to CU-R-5, Conditional Use R-5 Residential District (PIN 6886-00-36-9332 and 6886-00-46-4021).
- (2) **Case No. CC-CUP- 07-01:** A conditional use permit application from Cypress Landing Development Company, for proposed 48 unit multi-family condominium development; the property is located at 251 & 233 Cowpen Neck Road (PIN 6886-00-36-9332 and 6886-00-46-4021).

Mr. Rascoe then explained the procedure for voting on the two applications, 3 votes are required, one for consistency with the Land Use Plan and one vote for the CURZ and one vote for the CUP.

Mr. Haskett then read the staff report into the record.

Applicant:	Cypress Landing Development Company (Max Busby) PO Box 445 Edenton, NC 27932 252-482-4441
Property Owner:	Same as above
Subject Property:	251 & 233 Cowpen Neck Road
Property Owners:	(SEE ATTACHED LIST)
Requested Action:	~Conditional Use Rezoning from A-1, Agricultural to CU-R5, Conditional Use Residential ~Conditional Use Permit for Planned Unit Development (PUD)/48- Unit Condominium Development
Tax PIN #:	6886-00-36-9332 & 6886-00-46-4021

Location: Cowpen Neck Road near Rocky Hock Creek (Cypress Point Marina)

Size: Approx. **24.16** acres in 2 tracts with **1500'** of frontage on Cowpen Neck Road

Existing Zoning: A-1, Agricultural

Existing Land Use: "Rural with Services" & "Conservation" (Vacant; Former Cypress Point Marina)

Surrounding Land Use & Zoning:

North- Community; A-1, Agricultural (Farmland/Woodland & Single-Family homes)

South- Conservation; A-1, Agricultural (Farmland/Woodland & Single-Family homes)

East- Rural with Services; A-1, Agricultural (Farmland/Woodland & Single-Family)

West- Conservation; A-1; Agricultural (Wetlands, Chowan River)

Land Use Plan:

Major Goals & Objectives: *LAND USE*

- Plan for an integrated mix of residential, commercial, and industrial uses, which will provide suitable housing, shopping, and recreation and employment opportunities while recognizing expanding tourism market place.
- Identify and promote new land development opportunities, which are compatible with and sensitive to the preservation of stable and desirable neighborhoods.
- Identify, target and implement procedures which will result in the conservation of environmentally sensitive land areas during new development and redevelopment activities.
- Ensure that new development can be adequately supported by existing or planned public services and infrastructure.

Land Classification: *RURAL WITH SERVICES; CONSERVATION*

- The purpose of the Rural with Services classification is designed, recognizing that limited residential development may occur without threatening the agricultural environment with potential suburban expansion, and is intended to provide for very low density land uses including residential use.
- Land development within the Rural with Services class should be governed to insure low intensity in order to maintain a rural character.
- Areas meeting the intent of the Rural with Services classification would be appropriate for very low intensity residential uses, where lot sizes are large and where the provision of services will not disrupt the primary rural character of the landscape.
- The purpose of the Conservation classification is to provide for the effective long

term management and protection of the environmentally and agriculturally significant, limited, and/or irreplaceable areas of Edenton.

- Land management is needed in Conservation areas due to the natural, cultural, agrarian, recreational, scenic, and/or natural productive values of both local and regional concern.
- Areas meeting the intent of the Conservation classification include areas of environmental concern (AEC), including, but not limited to public trust waters, estuarine waters, coastal wetlands, etc.

Zoning History: None on Record.

Applicable Regulations: Chowan County Development Codes: Zoning Ordinance; Article III, Permits & Hearing Procedures and Article IV Zoning District and Zoning Map.

SPECIAL INFORMATION

Public Utilities: County water is available and on-site sewer treatment is proposed.

Public Services: The property is located within Chowan County's general jurisdiction; County protection services are available.

Transportation: The subject property has frontage on Cowpen Neck Road

Physical Characteristics: Vacant/Former Cypress Point Marina

ANALYSIS

The applicant seeks a Conditional Use Permit to allow for a 48-Unit Condominium Planned Unit Development (PUD) and seeks to rezone the property, conditionally upon the approval of the PUD to CU-R5, Conditional Residential District.

The minutes of two Technical Review Committee meetings, as well as the minutes you're your sketch plan review, are included for your perusal. Note that all applicable Health Department and Building Inspections review and permits would be required prior to zoning/building permit issuance.

This application requests a conditional use rezoning. This calls on the Board to determine whether the proposed zoning, *as associated with this particular project* advances the public health, safety, and welfare as compared to the existing zoning.

In granting a conditional use permit, reasonable requirements may be attached to the permit in addition to this specified below as will ensure that the development in its proposed location: 1) Will not materially endanger the public health or safety; 2) Will not substantially injure the value of adjoining or abutting property; 3) Will be in harmony with the area in which it is located; and 4) Will be in conformity with the Land Use Plan or other plan officially adopted by the Board of Commissioners.

The applicant has attempted to address these findings in the attached application.

RECOMMENDATION

The Land Use Plan identifies this area as Rural with Services and Conservation and provides for low intensity residential development. Please note that all zoning decisions must include a statement of consistency with the Land Use Plan (per NC General Statutes effective January 1, 2006). This proposed development is not consistent with the land use classifications as defined by the Edenton-Chowan Land Use Plan, however, the County may approve development plans as long as that inconsistency is acknowledged and the Land Use Plan Map is amended.

All applicable regulations of the Chowan County Development Codes and all staff's concerns that are applicable to this development have been identified. The planning staff recommends approval with conditions and offers the following conditions for consideration:

1. Prior to the filing of a final plat, the developer shall post a bond to provide for all necessary traffic improvements (according to NCDOT cost estimates); for interior roads (built to NCDOT standard); for utility connections (water built to County standard & sewage treatment built to State standard); and for drainage/storm-water detention improvements.
2. Storm water / drainage shall meet NCDOT and NCDENR regulations; drainage plan shall be reviewed by Soil & Water Conservation Staff.
3. All proper NCDOT permits required for accesses to Cowpen Neck Road.
4. Covenants shall be recorded providing for a Property Owners Association responsible for the maintenance of all open space and recreational areas.
5. All details/improvements shall be installed/constructed according to Chowan County Development Code requirements.

Mr. Rascoe then gave an overview on the case history; he said the case was introduced in the fall of 2006. He said many of the points in the staff recommendation have been addressed such as storm water and drainage plan. He said the potable water situation is compliant with the County regulations. He said the County Engineer has been involved in the review. He said the preliminary plat is included in the CUP now; the application is not going to be reviewed under the old County Regulations.

Max Busby said he has been a resident of Chowan County for 35 years. He said he has always dreamed of using the parcel for residential purposes. He said the proposed project is for 48 units, 3 bedroom, and two bath units. He said there will be three buildings total, (18 units each). He said the total number of units will be controlled by a disposal system. He said there will be no above ground portions of the disposal system. He said there will be two small lines at the treatment part of the system. He said there will be an elevator and sprinkler system and one unit in each building will be handicapped accessible. He said the buildings will be constructed in stages. He said the units will be on pilings. He said the first stage will include paving, pilings, watersystem and the construction of the disposal system. He said the final design of the building design work has been approved by Crestline, which has all State permits. He said entire construction is to be complete in 30 days of delivery. He said no units will be sold until the building is complete.

Mr. Rascoe noted that he forgot to swear in all person who were speaking on behalf of the application and those who wished to comment. He asked them to stand to be sworn in.

Mr. Rascoe then administered the oath.

Mr. Leggett asked about a buffer area.

Mr. Busby said yes.

Mr. Held asked if any land borders the river.

Mr. Busby reviewed the site plan, and noted there were boat slips already in place.

Mr. Busby said the area has always been residential recreational. He said until now it was not feasible to develop the area. He said the Marina has been there for years. He introduced Dave Kelbitz with Bissell Engineering.

Mr. Kelbitz said he was involved in the State stormwater permitting and said he was present to answer technical questions.

Mr. Rascoe asked him to give information on the type of system designed.

Mr. Klebitz said he was not personally involved in the design of the system. He reviewed the treatment of the wastewater process, and the location on the map. He said it will be deflected by gravity. He said it is a 3 stage process getting approvals. He said the second stage is layout approval. He said the State has high standards and the process is lengthy. He said the system has been recommended by DENER.

Mr. Held asked if the pipes drain into the water.

Mr. Klebitz discussed the design of the system in more detail.

Mr. Busby added that after all treatment the water comes out drinking quality.

Mr. Held asked if the low lying area would flood with a Hurricane and affect the system.

Mr. Klebitz said everything has to be air tight and the system is not always perfect.

Mr. Busby said that during Hurricane Isabel, the water did not go that far.

Mr. Klebitz said someone will always monitor the system.

Mr. Smith asked about additional land set aside if the system fails.

Mr. Klebitz said he has never had that happen. He said the County could require an additional treatment facility.

Ms. Williams asked if the system would require full time care from the homeowners.

Mr. Klebitz said no, the system is low maintenance.

There being no further Board questions, Chairman Spivey then opened the floor to public comment.

Ms. Bass said they are adjoining property owners. They feel it is not in harmony with surrounding community. And added concern about the bridge, the development, and the water being drinking quality.

Mr. Goodwin spoke about concern with water pollution. He stated concern about safety and the bridge located near the development.

Ms. Welsh asked if the State approved the septic plan. She stated her concern about the Board recommending approval of the development.

Mr. Klebitz said they approved a portion.

Kevin Dowdy stated his concern about the sewage treatment. He said the type of system fails. He said the developer needed to remember someone should be on call when the system fails. He asked why recommend approval if the development is inconsistent with the LUP.

Lauren Goodwin expressed her concern with the development and stated she was not in favor of it.

There being no further public comment the Chairman closed the floor to public comment.

Mr. Rascoe said the Board needed to address 3 items when voting.

Chairman Spivey asked why the development is recommended inconsistent.

Mr. Rascoe said because it is high density vs. existing low density.

Mr. Smith moved that the application is inconsistent with the Land Use Plan.

Ms. Williams seconded the motion.

Chairman Spivey asked for all in favor (6-0).

Mr. Rascoe said the Board needed to address the CUP and CURZ.

There was discussion between the Board and Staff about voting procedure.

Mr. Busby requested that his application be continued because his engineer was not present to address issues/concerns with the treatment system.

Ms. Williams moved to continue the application. Ms. Mc Daniel seconded the motion. (6-0).

There being no further business the meeting was adjourned.

